



Attorney Docket No. 14875-095001/ C1-105DP1PCT-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Toshio Kitamura et al.
Serial No. : 10/009,329
Filed : April 11, 2002
Title : PACKAGING CELL

Art Unit : 1648
Examiner : Myron G. Hill

Mail Stop Amendment Af 4.14

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF MASAO HARUNA UNDER 37 C.F.R. §§1.801-1.809

I, Masao Haruna, hereby declare and state:

1. I am a patent attorney and the department manager of the Intellectual Property Department of Chugai Seiyaku Kabushiki Kaisha, an assignee of the above-referenced application as recorded on July 1, 2002 at Reel 012849, Frame 0115. I am empowered to sign this document on behalf of Chugai Seiyaku Kabushiki Kaisha.

2. The microorganism deposits described below were made by Chugai Research Institute for Molecular Medicine, Inc., a wholly owned subsidiary of Chugai Seiyaku Kabushiki Kaisha.

3. One or more of the claims of the above-referenced application are drawn to cells designated Accession No. FERM BP-6737 or FERM BP-6977 as deposited at the National Institute of Bioscience and Human-Technology (NIBH) in Japan. The claimed cells were deposited at the NIBH, Agency of Industrial Science and Technology, at the following address:

1-1-3 Higashi
Tsukuba-shi, Ibaraki, Japan
Postal code number 305-8566

The NIBH is an International Depository Authority under the provisions of the Budapest Treaty.

4. As disclosed on page 13 of the present application, the Platinum-E cell line was deposited as "Pt-E" at the NIBH on May 31, 1999, under Accession No. FERM BP-6737. The Platinum-A cell line was deposited as "Plat-A" at the NIBH on December 22, 1999, under Accession No. FERM BP-6977. These deposits were made pursuant to the terms of the Budapest Treaty. Copies of the receipts for these deposits, and English translations of the receipts, are attached hereto.

5. All restrictions on the availability to the public of the deposited cells represented by Accession Nos. FERM BP-6737 and FERM BP-6977 will be irrevocably removed upon granting of a U.S. patent containing claim(s) directed to the deposited cells, in accordance with 37 C.F.R. §1.808.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

CHUGAI SEIYAKU KABUSHIKI KAISHA

Date: January 5, 2005

Masao Haruna

Masao Haruna
Patent Attorney and Department Manager
Intellectual Property Department